

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

PAUL C. THOMPSON, JR.,)	
Plaintiff,)	Civil Action No. 7:20-cv-00453
)	
v.)	
)	By: Michael F. Urbanski
P. SCARBERRY, <u>et al.</u>,)	Chief United States District Judge
Defendants.)	

ORDER

Paul C. Thompson, Jr., proceeding pro se, filed this civil action under 42 U.S.C. § 1983 while he was incarcerated within the Virginia Department of Corrections. By order entered February 18, 2022, the court dismissed the action without prejudice for failure to comply with prior orders directing him to respond to dispositive motions filed by the defendants. ECF No. 77. That same day, the court received a notice of change of address from Thompson, which indicated that he had been released from incarceration. ECF No. 75. Thompson subsequently requested and received a copy of the dismissal order. ECF No. 81. He has since filed a motion for reconsideration in which he contends that he did not receive a copy of the January 2022 order directing him to respond to the pending motions to dismiss within fourteen days. ECF No. 83. Thompson also contends that he did not receive a copy of the motion for summary judgment filed by defendant J. Bledsoe. Id.

Based on the foregoing, the court finds that Thompson has shown good cause for failing to comply with the court's prior orders. Accordingly, it is hereby **ORDERED** as follows:

1. Thompson's motion for reconsideration, ECF No. 83, is **GRANTED**, and the Clerk is **DIRECTED** to reopen this case on the active docket;

2. Thompson's motion for a ruling on the motion for reconsideration, ECF No. 85, is **DISMISSED** as moot;
3. Thompson is assessed the \$350.00 filing fee and the applicable \$52.00 administrative fee, and he is **DIRECTED** to pay these fees in full or apply to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1) within **ten (10) days** of the date of entry of this order;*
4. The Clerk is **DIRECTED** to send Thompson a copy of Bledsoe's motion for summary judgment, ECF No. 41, including all attachments, along with his copy of this order;
5. Thompson is **DIRECTED** to respond to Bledsoe's motion for summary judgment and the motions to dismiss (ECF Nos. 41, 54, and 56) within **thirty (30) days** of the date of entry of this order; and
6. Thompson is advised that failure to comply with this order will result in the dismissal of the case without prejudice.

It is so **ORDERED**.

Entered: August 16, 2022



Digitally signed by Michael F.
Urbanski Chief U.S.
District Judge
Date: 2022.08.16 16:32:43
-04'00'

Michael F. Urbanski
Chief United States District Judge

* Court records indicate that Thompson did not pay any portion of the filing fee while he was incarcerated. A prisoner who is released from prison before paying the filing fee may apply to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1). DeBlasio v. Gilmore, 315 F.3d 36, 398– 99 (4th Cir. 2003)

UNITED STATES DISTRICT COURT

for the

<i>Plaintiff/Petitioner</i>)	
v.)	
<i>Defendant/Respondent</i>)	Civil Action No.
)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____.
 If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per
 (specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (*check all that apply*):

- | | | |
|--|------------------------------|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ _____.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name